

Everett Smelter Site Fenced and Adjacent Areas Public Participation Plan for Cleanup 2004



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Everett Smelter Site Upland Area Public Participation Plan Cleanup 2004

1. Introduction

Cleanup of contaminated soil within the Everett Smelter site will continue in 2004. Work in 2004 will address the most contaminated soil in the area – the soil within the Fenced Area where the old arsenic processing facilities were located. This fenced-off area is located just south of State Route 529 and between Hawthorne and East Marine View Drive (see Figure 1).

Thirty-seven contaminated residential yards also are anticipated to be cleaned up in 2004. This Public Participation Plan describes the anticipated cleanup activities and public involvement opportunities related to this work.

The Everett Smelter site is located in northeast Everett, Washington. The site extends along the Snohomish River from Legion Park in the northwest to 14th Street in the southeast.

Forty-seven homes with the most contaminated yards outside of the Fenced Area have been cleaned up by the Washington State Department of Ecology (Ecology) with state funds in previous years. No state funding was available in the current state fiscal biennium (July 2003 to June 2005) to clean up additional properties.

Cleanup in 2004 will be done by ASARCO, Inc. Asarco is the last owner of the smelting facilities.

Related to the cleanup work, Asarco is in the midst of a property transaction with the Everett Housing Authority (EHA). Here are some key points to this transaction:

- EHA will purchase 15 Asarco-owned homes outside the Fenced Area and accept liability for cleaning them up.
- Asarco will clean up the contaminated yards of these 15 homes as part of the purchase and sale agreement.
- This purchase and sale agreement also requires Asarco to clean up contaminated yards at an additional 22 homes in the area which are not owned by Asarco.
- After Asarco has removed the most contaminated soil from the Fenced Area (more than 3,000 parts per million arsenic), EHA will purchase this area from

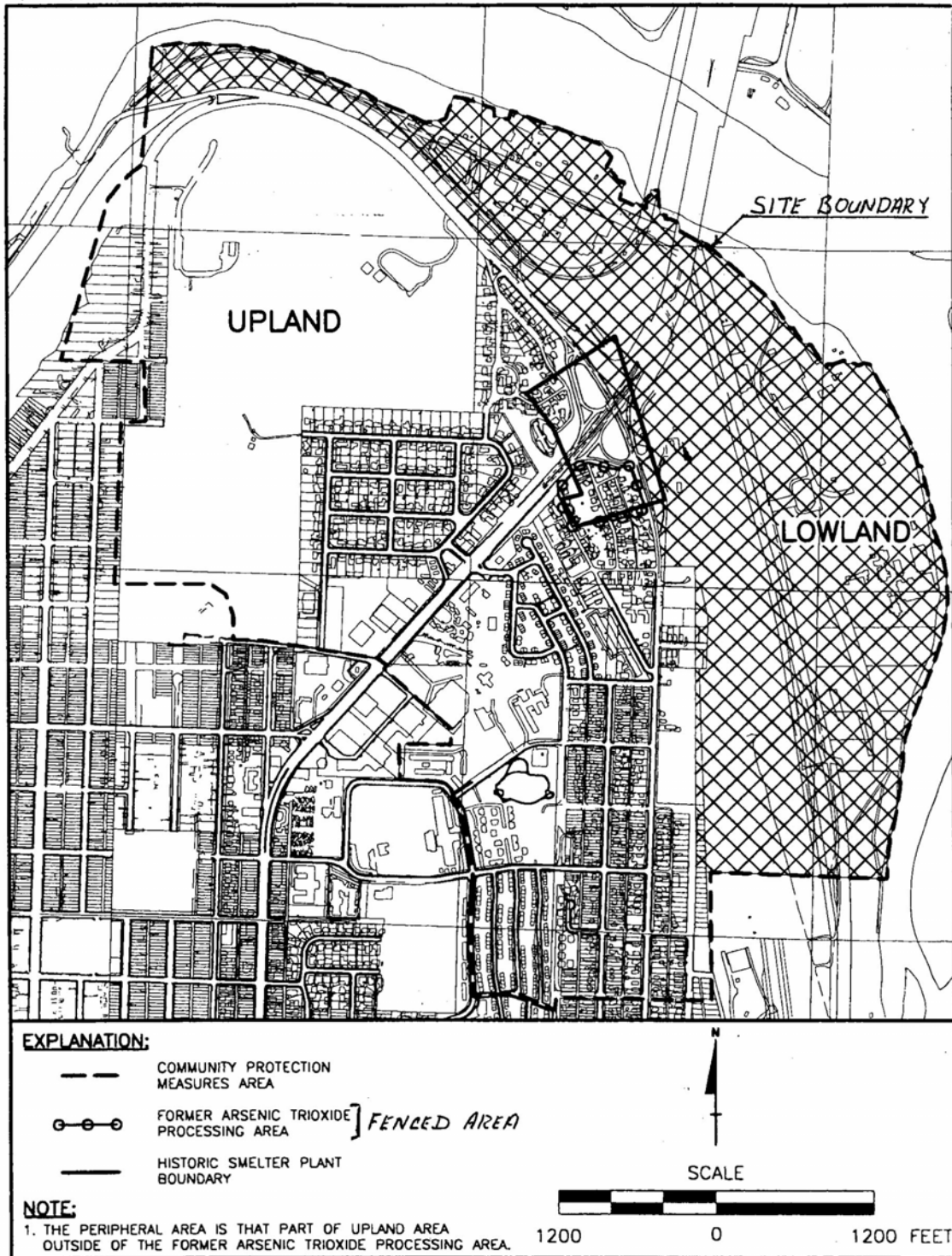


Figure 1. Site Location with Fenced Area

Asarco and accept liability for cleaning up the remaining arsenic-contaminated soil to state standards.

- Asarco will clean up the Fenced Area as a condition of the purchase and sale agreement.
- EHA has negotiated two Prospective Purchaser Consent Decrees with Ecology. One consent decree addresses EHA's liability within the Fenced Area. The other addresses EHA's liability for the 15 houses which EHA will purchase. These agreements specify and limit EHA's liability for known contamination from smelter activity with respect to the property it purchases. These agreements do not relieve Asarco of any responsibility at the Everett Smelter site. Public comment on these Prospective Purchaser Consent Decrees will occur between April 22 and May 21, 2004.

Asarco's contractor will bring equipment to the site by May 15th, in order to complete 2004 cleanup activity in October. The contaminated soil will be barged to a disposal facility at the Asarco smelter near Tacoma.

Funding for this cleanup work will come from several sources including:

- EHA will provide funds to Asarco as consideration for EHA's purchase of the Fenced Area and 15 residential properties (as part of the purchase and sale agreement, Asarco will clean up the Fenced Area, these 15 properties, and 22 additional properties not owned by Asarco).
- \$1 million from a trust fund established by Asarco to address their environmental liabilities nationwide, and
- \$1 million in matching funds will be provided by Ecology to EHA.

EHA has plans to redevelop these properties after cleanup work has occurred. Of the 15 Asarco-owned homes that EHA is purchasing, seven will be demolished and eight will be refurbished. The 22 privately-owned homes will remain in place. Lastly, the Fenced Area will be redeveloped as a single-family neighborhood. For questions about EHA's redevelopment plans, contact Darcy Walker at 425-303-1117.

Future clean up work in the area remains undetermined at this time.

2. Site Background

The Everett Smelter site was discovered in the fall of 1990 when Weyerhaeuser Company found slag on its property during an environmental investigation. Slag is a heavy, black, metallic, and sometimes glassy, rock-like material, which is the once molten waste product from the smelting process. The slag contains high concentrations of lead, arsenic and other metals. A large amount of the slag was mined and used for fill around the area. The slag also was used in the past to make rock wool insulation. A former arsenic smelter which operated between 1893 and 1912, and was demolished by 1914, had generated the slag. Slag piles and building debris were covered with fill soil.

In the following years, the property was sold and developed into residential, commercial, industrial and public use sections.

Asarco completed investigation of the site and submitted a report (the Remedial Investigation and Feasibility Study) to Ecology in 1995. Public comment on the report was solicited at the end of 1995. Ecology reviewed the comments received during the public comment period and began developing a Cleanup Action Plan for the site.

Also in 1997, Ecology and Asarco began a mediated process to make major cleanup decisions for the Cleanup Action Plan. Other stakeholders were invited to participate to move toward an efficient, quick cleanup. Mediation concluded without reaching agreement in August 1998, and Asarco filed a lawsuit in which the company sought to be dismissed as the potentially liable party for the cleanup.

Ecology prepared an Integrated Draft Cleanup Action Plan and Draft Environmental Impact Statement for the residential and commercial portion of the site. This portion of the site, called the upland area, is that area west of the low-lying industrial area along the Snohomish River. This plan was presented for public comment in January 1999. Ninety citizens, governmental agencies and private parties commented. The Integrated Final Cleanup Action Plan and Final Environmental Impact Statement were distributed to the public in November 1999.

In December 1999, a Superior Court decision upheld Asarco's liability for some parts of the site and rejected it for others. Both Ecology and Asarco appealed to the Washington State Supreme Court. The state Supreme Court remanded the case to Superior Court in April 2002, finding that there were not sufficient facts for the Court to reach a decision. Ecology and Asarco subsequently agreed to stay further litigation while addressing the Fenced Area (see next paragraph).

Ecology issued an Enforcement Order to Asarco on June 10, 2002, requiring cleanup of the most contaminated material within the Everett Smelter site. Specifically, the Order called for material with arsenic concentrations above 3,000 parts per million be excavated and disposed of off site. This material is primarily within the Fenced Area, with a small amount immediately adjacent to this area under East Marine View Drive.

Asarco prepared a plan for excavating the material with arsenic concentrations above 3,000 parts per million as required by the Order. The plan also provides for cleaning up material with arsenic concentrations above 150 parts per million in the Fenced Area and for cleaning up selected residential properties adjacent to the Fenced Area. Within the Fenced Area, two feet of clean fill are to be imported to cover the soil with arsenic concentrations between the cleanup level (20 parts per million) and 150 parts per million. At the conclusion of the work, the entire area will be cleaned up to standards which will allow residential use. Contaminated soil will remain on the properties at depths where it is unlikely that people will come into contact with it. Institutional controls will be used (property owner notification, a marker cloth at the top of the contaminated soil) to help

ensure that people are aware of where contaminated material may be encountered so they can take appropriate safety measures.

In December 2003, EHA signed an option with Asarco to purchase the Fenced Area and selected adjacent residential properties owned by Asarco. As described in the Introduction (see page 1), EHA is in the process of purchasing the Fenced Area and 15 Asarco-owned homes, and requiring cleanup of an additional 22 privately-owned homes (see Figure 2).

3. Community Background

The community surrounding the original smelter property is a well-established, diverse neighborhood of working and retired families who own or rent. Many residents closest to this property have owned their homes for 30 years or more. Asarco has purchased 37 homes in this area, including 22 homes (now demolished) on the most contaminated portion of the Everett Smelter site. As described above, this most-contaminated area is the location of the arsenic processing facilities that were demolished; some debris was left behind. A number of renters occupy Asarco-owned homes in the area adjacent to the Fenced Area. Further from the original smelter property are a juvenile detention facility and large complexes of apartments, including housing for low-income families. A major highway interchange bisects the original smelter property.

Members of the community have expressed a number of concerns and criteria for further action that include the following:

a) The cleanup process

- Eliminate further delay.
- Involve the community in decisions that affect its future.
- Meet the requirements of the Model Toxics Control Act (the state regulation that under which Ecology operates to identify, investigate, and cleanup facilities where hazardous substances have been released).

b) Future of the neighborhood

- Allow for re-use of the former smelter property in a way that is compatible with the neighborhood.
- Protect property values.
- Protect human health and the environment over the long term.

4. Public Involvement Activities

The purpose of this Public Participation Plan is to promote public understanding and participation in cleanup activities planned for this site. This section of the plan addresses how Ecology will share information and receive community input on site activities.

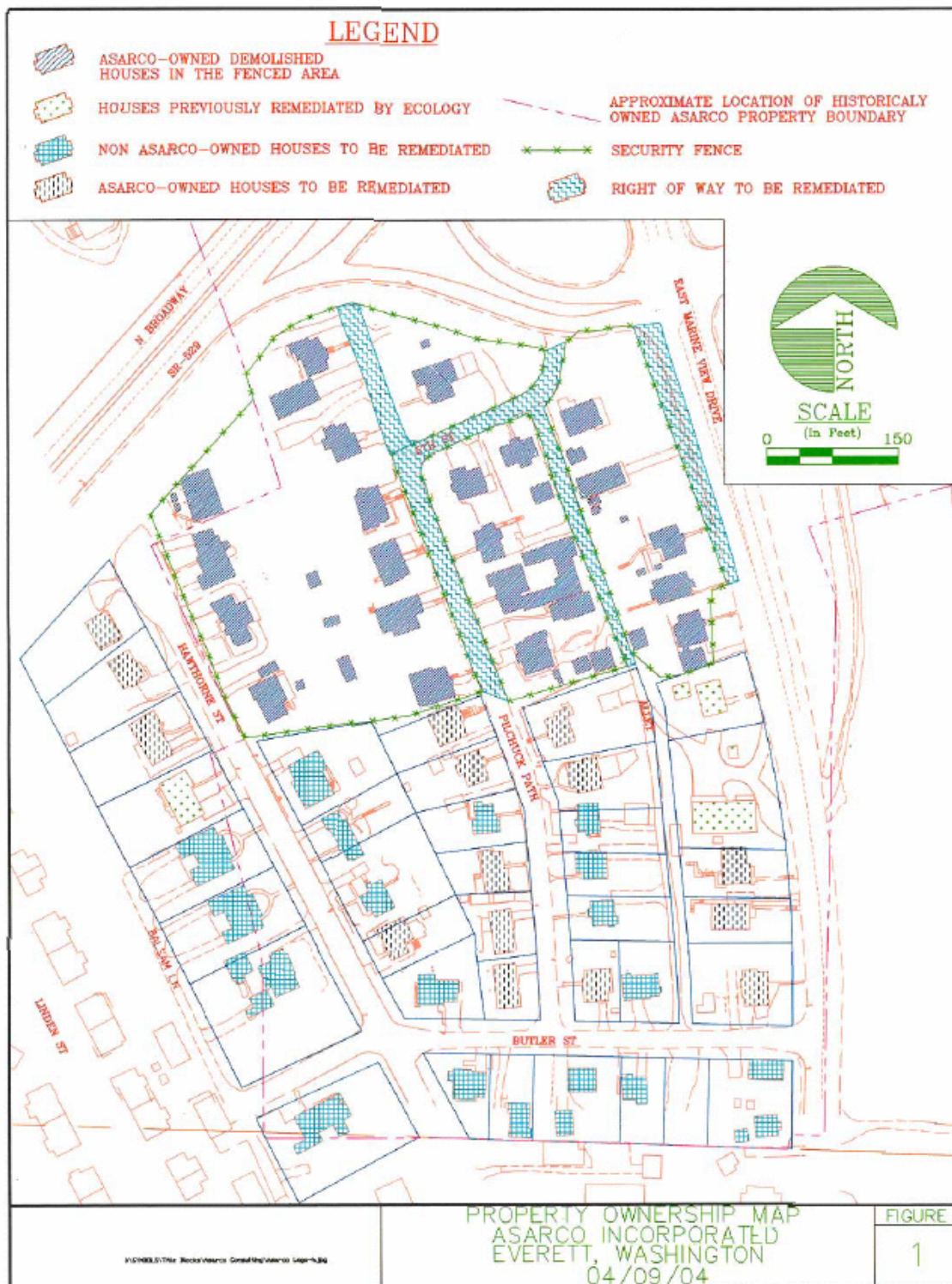


Figure 2. Property Ownership

Ecology uses a variety of activities to facilitate public participation in the investigation and cleanup of sites. Input provided by the community will be implemented whenever possible.

The following is a list of the public involvement activities that Ecology will use, their purposes, and descriptions of when and how they will be used during this phase of cleanup.

Public Comment Periods

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions. Comment periods usually last 30 days and are required at key points during the investigation and cleanup process before final decisions are made.

During a comment period, the public can comment in writing. After the comment period, Ecology reviews all comments received and considers the need for changes or revisions based on input from the public. If significant changes are made, then a second comment period may be held. If no significant changes are made, then the draft document(s) will be finalized.

Ecology will hold a public comment period, with a public meeting, on the draft Prospective Purchaser Consent Decrees between EHA and Ecology from April 22 through May 21, 2004.

Public Meetings

Public meetings may be held at key points during the investigation and cleanup process. Ecology also may offer public meetings for actions expected to be of particular interest to the community. These meetings will be held at locations convenient to the community.

As described above, Ecology will hold a public meeting in conjunction with the upcoming public comment period on the Prospective Purchaser Consent Decrees. This meeting also will address upcoming cleanup activities. The public meeting will be held in the Jackson Conference Room at the Everett Community College, 2000 Tower Street, Everett, on April 27th 7:00-8:30PM.

Information Repositories

Information repositories are locations where residents and other interested persons in the community may read and review site information, including documents that are the subject of public comment. Ecology has established two repositories for the Everett Smelter site:

Everett Public Library - all major documents
2702 Hoyt Avenue
Everett, WA 98201
425-257-8000

Hours: Monday through Thursday, 10 a.m. to 9 p.m.
Friday and Saturday, 10 a.m. to 6 p.m.
Sunday, 1 p.m. to 5 p.m.

WA Department of Ecology - all major documents and complete project records
3190 160th Avenue SE
Bellevue, WA 98008
425-649-7190 (call for an appointment)
Hours: Monday through Thursday, 8 a.m. to 5 p.m.

While not an official information repository for the site, the Asarco Everett Information Center has most site documents available. Asarco's information center is located at 545 Hawthorne Street in Everett. Call for hours: 425-259-0822.

Some site information also is posted on Ecology's web site at
http://www.ecy.wa.gov/programs/tcp/sites/asarco/es_main.html

Site Register

The *Site Register* is a bimonthly publication produced by Ecology's Toxics Cleanup Program to announce all of its public meetings and comment periods, as well as many other activities. To receive the *Site Register*, contact Linda Thompson at (360) 407-6069 or by e-mail at ltho461@ecy.wa.gov. It also is available on Ecology's web site at http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html.

Mailing List

A mailing list for the Everett Smelter site is maintained by Ecology. The list includes individuals, groups, public agencies, elected officials, private businesses, potentially affected parties, and other known interested parties. The list is updated as needed.

Please contact Rebekah Padgett at 425-649-7257 or by e-mail at rpad461@ecy.wa.gov if you would like to have your address added, changed, or deleted from this mailing list.

Fact Sheets

Fact sheets will be mailed to persons on the mailing list at the beginning and completion of the 2004 cleanup activities. Additional fact sheets may be sent out as the cleanup process progresses.

Signs and Updates

Signs will be posted in the neighborhood with contact information and a description of the work being performed. Updates will be posted periodically on the signs outlining what has been accomplished what will be accomplished in upcoming steps.

Newspaper Ads

Ecology will place ads in the *Everett News Tribune* and *The Herald* to announce public comment periods or public meetings for the site.

Press Releases

Ecology's public information officer, with the assistance of the cleanup coordinator or public involvement specialist, will issue press releases as needed and, if requested by the press, will arrange a site visit.

Tours

Tours in the site area may be conducted as the cleanup takes place, if requested by the neighborhood, the press, government officials, etc. The purpose of the tours would be to explain the cleanup process, plans for the area, and to provide an opportunity for these individuals to express concerns and ask questions.

Other Outreach Activities

Other outreach activities will be conducted as necessary to keep the community informed of the progress of cleanup. If you have suggestions for other activities, please contact Rebekah Padgett at 425-649-7257 or by e-mail at rp461@ecy.wa.gov.

Plan Update

This plan will be amended and updated as appropriate. Updates will occur when significant new phases of cleanup are entered.

5. Public Points of Contact

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